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Attorney for Petitioner

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

RUSSELL SHETTERS III,

Petitioner,

vs.

SUPERINTENDENT JOE SCHMIDT,

Respondent.

Case No. 3:04-cv-0142-TMB-JDR

**MOTION FOR ADDITIONAL TIME
TO FILE RESPONSE TO
RESPONDENT'S
MOTION TO DISMISS PETITION
AS TIME-BARRED
*Filed on Shortened Time
and Nunc Pro Tunc***

Petitioner, Russell Shetters, III, by and through counsel Mary C. Geddes, Assistant Federal Defender, hereby files this motion to allow petitioner additional time to respond to the respondent's motion to dismiss his petition. The response was due yesterday. Counsel had expected to ask for a month's extension in a timely manner, but counsel for Mr. Shetters unexpectedly spent most of the day in two court hearings and she was not able to get the request for extension of time filed in a timely manner.

Counsel for Mr. Shetters does require additional time to respond to the motion because her defense requires the review of Department of Correction records for Mr. Shetters

during the past several years, as well as exhibits in an apparently related civil but closed lawsuit. Mr. Shetters has informed her that her further investigation will provide the defense to the respondent's motion, but counsel has not been able to complete such investigation because of the press of other business. It appears that counsel has been overly optimistic about her ability to get her investigation substantially underway and she apologizes to court and counsel for this wholly tedious but earnest series of requests to extend time.

DATED this 13th day of August, 2008.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on August 13, 2008, a copy of the foregoing document, with attachments, was served electronically on:

Michael Sean McLaughlin, Esq.

/s/ Mary C. Geddes